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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,205	04/14/2005	Eric Boukobza	2889/3	6997

7590 07/24/2007  
Mark Friedman  
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EXAMINER
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LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/531,205

Applicant(s)

BOUKOBZA, ERIC

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final:
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-22 are presented for examination.

#### ***Specification***

2. The abstract of the disclosure is objected to because the abstract submitted on April 14, 2005 belongs to application WO 2004/036344 PCT/IL2003/000848. Correction is required. See MPEP § 608.01(b).
3. The specification is objected to because the specification submitted on April 14, 2005 belongs to application WO 2004/036344 PCT/IL2003/000848.

Appropriate correction is required.

#### ***Drawings***

4. The drawings submitted on April 14, 2005 are objected to because these drawings are identified as drawings belonging to WO 2004/036344 PCT/IL2003/000848.

#### ***Claim Objections***

5. Claims 1-22 are objected to because of the following informalities:

The claims submitted on April 14, 2005 are objected to because the claims are identified as claims belonging to WO 2004/036344 PCT/IL2003/000848.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shum (Publication No.: US 2003/0009507 A1, filed June 29, 2001).

8. Regarding Claim 1, Shum teaches a system and method for application performance management.

The method and associated system for a system and method for application performance management as taught or suggested by Shum includes:

a client access module for communicating with at least one client (§0031); a database resource manager for communicating with at least one database server (§0046), a client access module and database resource manager share a common software interface for communicating (§0046).

9. Regarding Claim 2, Shum teaches a software interface comprises a protocol manager for handling multiple database protocols (§0046).

10. Regarding Claim 3, the limitations of this claim has been noted in the rejection of claim 1 presented above. It is therefore rejected as set forth above.

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11. Regarding Claims 4 and 5, Shum teaches the local data is commonly used data objects (§0065).
12. Regarding Claim 6, the limitations of this claim has been noted in the rejection of claim 1 presented above. In addition, Shum teaches queries and updates, responses and data (§0064 and 0074).
13. Regarding Claim 7, Shum teaches assigning and allocating at least one client communication (§0031).
14. Regarding Claim 8, Shum teaches a load of a database (§0046).
15. Regarding Claims 9 and 10, Shum teaches a query modification (§0031).
16. Regarding Claims 11, 14, 16, 17, and 22, the limitations of these claims have been noted in the rejection of claim 1 presented above. They are therefore rejected as set forth above.
17. Regarding Claims 12, 13, 15, 18-21, the limitations of these claims have been noted in the rejection of claim 6, presented above. They are therefore rejected as set forth above.

#### **NAME OF CONTACT**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/  
Patent Examiner, A.U. 2167  
June 20, 2007